



# COUNTY OF LOS ANGELES

## OFFICE OF THE COUNTY COUNSEL

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Agenda No. 63  
12/13/05

TO: SUPERVISOR MICHAEL D. ANTONOVICH, Mayor  
SUPERVISOR GLORIA MOLINA  
SUPERVISOR YVONNE BRATHWAITE BURKE  
SUPERVISOR ZEV YAROSLAVSKY  
SUPERVISOR DON KNABE

FROM: RAYMOND G. FORTNER, JR.  
County Counsel

CURT LIVESAY  
Chief Deputy District Attorney

RE: **Report on Campaign Finance Enforcement**

As requested by your Board, our offices have worked together to identify alternatives to strengthen enforcement of the County's Campaign Finance Ordinance ("Proposition B"). As a result of those discussions, we have developed two proposals which are based on the September 13, 2005, motions by Supervisors Antonovich and Yaroslavsky. The District Attorney recommends the first proposal, which allows for a cure period, as he believes it will more effectively foster compliance with the requirements of Proposition B.

The substantive difference between the two proposals is that the first proposal (Attachment I) includes a "cure" provision which allows candidates an opportunity to correct certain violations prior to the issuance of an administrative fine. Specifically, for contribution limit violations, including receiving contributions from County lobbyists or lobbying firms, the candidate is allowed 45 days in which to correct the violation and file an amended statement reflecting the correction. If the candidate corrects the violation, neither the candidate nor the contributor would be subject to an administrative fine. If the candidate does not correct the violation, an administrative fine will be issued to both the candidate and the contributor. However, in either event, the candidate as well as the contributor would still be subject to a civil fine or criminal prosecution.

The second proposal (Attachment II) does not allow for this cure provision. Thus, while candidates are required to correct any violations, correction will not avoid issuance of an administrative fine. Under this proposal, the administrative fine is automatic upon discovery of a violation, subject to an appeal process.

The inclusion or exclusion of a cure period is the only substantive difference between the two proposals. Both proposals include an administrative fine provision and process by which the County, through the Registrar Recorder/County Clerk's ("Registrar-Recorder") office, may issue an administrative fine of up to three times the amount that any contribution limit has been exceeded or \$5,000 whichever is greater, per contribution limit violation. This will allow the County the power to issue fines without referral to another enforcement body and without court involvement.

The process allows for review of proposed fines by a hearing officer with the power to issue subpoenas and call witnesses. In reviewing a proposed fine, in addition to considering challenges to the proposed fine, the hearing officer may, at the discretion and request of the Registrar-Recorder, review the nature and circumstances of the alleged violation to make a recommendation as to the appropriateness of the proposed fine and the amount. Issuance of an administrative fine does not preclude a civil fine or criminal prosecution.

Additionally, both proposals make violations strict liability offenses for purposes of issuing an administrative or civil fine. This will make the issuance of administrative and civil penalties easier to impose because it will not be necessary to produce factual evidence that the individual had knowledge of the violation.

Moreover, both proposals prohibit lobbyists and lobbying firms from making a contribution to any County official or candidate. Currently, the ordinance only precludes officials and candidates from receiving a contribution from a lobbyist or lobbying firm, and does not preclude lobbyist or lobbying firms from making a contribution. Finally, both proposals also provide for initial notification of a violation to the District Attorney, as well as a final notification of any resolution.

Included with each proposal are the draft ordinance amendments necessary to effectuate the proposal. Should your Board adopt one of the proposals, the corresponding ordinance amendments would need to be placed on a future agenda for approval.

If you have questions concerning this matter, please contact me, Senior Assistant County Counsel Leela A. Kapur at (213) 974-1807, or Senior Deputy County Counsel Judy W. Whitehurst at (213) 974-8948.

RGF:JWW:ds  
Attachments

c: David E. Janssen  
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer  
Board of Supervisors

Conny B. McCormack  
Registrar-Recorder/County Clerk

**PROPOSAL ONE (Includes "Cure" Provision)**

1) Notice and Opportunity to Cure<sup>1</sup> - Contribution Limit Violations

- A. Within five business days of identifying a contribution limit violation, including a contribution from a lobbyist or lobbyist firm, the Registrar-Recorder would issue a notification of administrative enforcement to the alleged violator. The notification will indicate the specific nature of the violation and would allow the candidate/officeholder the opportunity to correct the violation, and file an amendment reflecting the correction.
- B. If an amendment is not received within 10 business days of mailing of the notification of administrative enforcement, the Registrar would contact the individuals via telephone indicating the specific nature of the violation with instructions regarding an opportunity to correct the violation.
- C. If an amendment is not received within 20 business days of mailing of notification of administrative enforcement, a final written notification would be sent by certified mail to the individuals.
- D. If an amendment has not been received within 45 days of mailing of the notification of administrative enforcement, an administrative fine would be issued (see section 2, below) and a notification made to the District Attorney's Office or the State Attorney General's Office, as appropriate, indicating that the violations have not been corrected.

2) Administrative Fines and Administrative Hearing Process

- A. Currently, Proposition B requires the imposition of civil penalties through a civil court proceeding. The addition of an administrative fine and hearing process, separate from civil prosecution, will give the County the ability to issue fines with greater autonomy.

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<sup>1</sup> The notice and cure provisions are based on the "Plan For Campaign Finance Screening" by the Registrar-Recorder/County Clerk in the October 21, 2005, joint report presented to your Board.

## Attachment I

Government Code § 53069.4 allows counties to make any violation of a county ordinance subject to an administrative fine or penalty. In 2005, Chapter 1.25 of the Los Angeles County Code was enacted allowing the issuance of administrative fines for violations of the County Code. This Chapter delineates the procedure for imposition of an administrative fine, set at a maximum of \$1,000 per violation for misdemeanors, by an enforcement officer.

Pursuant to that authority, upon identification of a violation of the contribution limits, the Registrar-Recorder would issue a notice of administrative fine, which will notify the alleged violator of County's intent to issue a proposed administrative fine and set a hearing date. The purpose of the hearing would be to allow the individual the opportunity to challenge the fine and also to allow the hearing officer the opportunity to take evidence as to whether the fine should be issued and, if so, whether the Registrar-Recorder's proposed fine is appropriate. Should the individual choose not to challenge the fine, the Registrar-Recorder may, at her discretion, determine the amount of the fine without a hearing and without a recommendation from a hearing officer.

Since the current civil fine for a violation of Proposition B is three times the amount received in excess of the limits or \$5,000, whichever is greater, Chapter 1.25 would be amended to allow for the imposition of an administrative fine pursuant to Proposition B up to three times the amount of excess contributions or \$5,000, which ever is greater, per violation.

- B. The Registrar-Recorder would be designated the enforcement officer responsible for final imposition of the administrative fine and, would do so based on the final review and recommendation from the hearing officer, unless the fine is not challenged and the Registrar-Recorder determines that a hearing is not necessary. The District Attorney would remain the enforcement officer responsible for prosecution of civil penalties and criminal charges.
- C. The administrative hearings would be conducted by a County hearing officer pursuant to Government Code § 27720 et seq. The County hearing officer will have all of the powers delineated in GC § 27721, including but not limited to the power to request the appearances of witnesses and the power to issue administrative subpoenas for relevant documents supporting violations. These documents may also be provided to the District Attorney.

3) Notice to the District Attorney

The Registrar would provide initial notification of violations to the District Attorney. In addition, the Registrar would provide notification of the final resolution of each violation.

4) Strict Liability Violations

The violation provisions of Proposition B would be changed from intentional to strict liability violations for the purpose of issuing the administrative and civil fines. This will make the issuance of administrative and civil penalties easier to impose because it will not be necessary to produce factual evidence that the violator had knowledge of the occurrence.

5) Retention of Required Records

Similar to State law, Proposition B would be amended to incorporate language that requires the candidate to retain records that support the reports filed by law with the Registrar. Proposition B would also be amended to require the candidate to provide such documentation upon the written request of the Registrar. These provisions would mandate the retention of records in support of the mandatory filings, which would assist the County in obtaining compliance with Proposition B and the necessary evidence of violations.

6) Violations of Lobbyists

Currently, under Proposition B, it is a violation for a candidate to accept contributions from a lobbyist or lobbyist firm, but it is not equally a violation for the lobbyist or lobbyist firm to make contribution. Proposition B would be amended to also make the lobbyist or lobbyist firm liable for making a contribution. In addition, the lobbyist ordinance would be amended to show the reciprocal violation and reference Proposition B.

## Chapter 2.190

## POLITICAL CAMPAIGNS FOR COUNTY OFFICES(44)

## Sections:

2.190.010	Findings.
2.190.020	Purpose and declaration of intent.
2.190.030	Definitions.
2.190.035	Maintenance of accounts and records.
2.190.040	Contribution limits.
2.190.050	Voluntary expenditure limit.
2.190.060	Contribution of candidate's personal funds.
2.190.070	Interrelationship of contribution and expenditure limits.
2.190.080	Bundling of contributions and contributions from committees.
2.190.090	Fundraising time limits.
2.190.100	Officeholder accounts.
2.190.110	Attorney' s fees fund.
2.190.120	Distribution of excess funds.
2.190.130	Lobbyist contributions.
2.190.140	Violations and enforcement.
2.190.150	Amendment.
2.190.160	Severability.

## Section 2.190.035 Maintenance of accounts and records

It shall be the duty of each candidate to maintain such detailed accounts, records, bills and receipts that are necessary to prepare campaign statements and to comply with the provisions of this chapter. The detailed accounts, records, bills and receipts that are maintained shall be retained by the filer for a period of four (4) years. Each candidate shall provide copies of the detailed accounts, records, bills and receipts upon request by the registrar-recorder.

## Section 2.190.130 Lobbyist contributions.

No county official or candidate for county office shall knowingly solicit or accept any contribution to his or her campaign for county office or to his or her officeholder account or attorney's fees fund from any person or firm who is registered under Chapter 2.160 as a county lobbyist or county lobbying firm or who has been so registered at any time in the previous 12 months. (Ord. 96-0041 § 1 (part), 1996.) No person or firm who is registered under Chapter 2.160 as a county lobbyist or county lobbying firm or who has been so registered at any time in the previous 12 months shall make any contribution to any county official or candidate for county office.

## Section 2.190.140 Violations and enforcement.

A. Any person who violates any provision of this chapter, shall be given a first notification of enforcement letter by the registrar-recorder issued by certified mail within five (5) business days of discovery of the violation. The notification of enforcement letter will indicate the specific nature of the violation with instructions regarding opportunity to correct the violation, and the need for candidate/officeholder to file an amendment reflecting the correction.

B. If an amendment is not received within ten (10) business days of first notification, the Registrar-recorder will ensure that the individual is contacted via telephone indicating the specific nature of the violation with instructions regarding opportunity to correct the violation.

C. If an amendment is not received within twenty (20) business days from date of initial notification of enforcement letter, a final written notification will be sent by certified mail to the individual.

D. If an amendment has not been received within forty-five (45) days of the first notification letter by certified mail, a referral will be made to the applicable agency; District Attorney's Office or the State Attorney General's Office indicating that the violations have not been corrected.

AE.. Any person who knowingly violates any provision of this chapter is guilty of a misdemeanor which may be punished by imprisonment in the county jail for not exceeding six months, or by a fine not exceeding \$1,000.00, or by both.

BF. In addition to the penalty set forth in subsections A E. and G. of this section, any person who violates any section of this chapter shall be subject to a civil penalty of up to three times the amount by which any applicable contribution limit has been exceeded or \$5,000.00, whichever is greater.

G. In addition to the penalty set forth in subsections E and F of this section, any person who violates any section of this chapter and does not cure the violation, shall be subject to an administrative fine, issued pursuant to chapter 1.25 of this code, of up to three times the amount by which any applicable contribution limit has been exceeded or \$5,000.00, whichever is greater. Notwithstanding the provisions of chapter 1.25 of this code in imposing the administrative fine, the registrar-recorder shall issue a notification of violation setting forth the intent to issue a proposed administrative fine and set a hearing date. The purpose of the hearing would be to allow the alleged violator the opportunity to challenge the fine and also to allow the hearing officer, if so requested by the registrar-recorder, to make recommendations as to the appropriateness of the proposed fine and its amount, by a hearing process that may include taking evidence and testimony, and calling witnesses. Should the individual choose not to challenge the fine, the registrar-recorder may, at her discretion, determine the amount of the fine without a hearing and without a recommendation from a hearing officer.

~~C. H.~~ This chapter shall be administered by the registrar-recorder who shall recommend rules governing this chapter. Such rules shall be effective if approved by a majority vote of the board of supervisors.

~~D. I.~~ The registrar-recorder ~~and the district attorney~~ shall receive and investigate complaints that a person has violated a provision of this chapter. When the registrar-recorder has evidence of a violation of this chapter, he or she ~~may refer the matter~~ shall give initial notice of the violation to the district attorney, ~~who shall have authority to seek the imposition of any penalty allowed by this section.~~ In addition, the registrar-recorder shall provide notification of the final resolution of each violation to the district attorney. The registrar-recorder shall be designated the enforcement officer responsible for final determination and imposition of administrative fines to be issued and for appearances before the administrative hearing officer as provided for in §§ 1.25.050 and 1.25.060 of this code, in addition to the provision of this chapter.

~~E. J.~~ The district attorney shall be the enforcement officer responsible for prosecution of the civil penalties and criminal charges. In addition, any person residing in the county may bring a civil action to enjoin violations of this chapter or to compel compliance with any provision of this chapter by following the procedures set forth in Government Code Sections 91003 et. seq., except that the civil prosecutor shall be the district attorney.

F.K. Within 60 days after the enactment of this chapter the registrar-recorder and the district attorney shall each designate persons within their respective offices who will be responsible for the enforcement and administration of the duties assigned to them under this chapter. Nothing in this chapter shall preclude the county from contracting with a state agency to administer and/or enforce any provision of this chapter, including conducting administrative hearings pursuant to government code § 27727. (Ord. 96-0041 § 1 (part), 1996.)

## Chapter 2.160

### COUNTY LOBBYISTS

#### Sections:

2.160.010	Definitions.
2.160.020	County lobbyist registration.
2.160.030	County lobbying firm registration.
2.160.040	County lobbyist employer registration.
2.160.050	Registration amendments and termination.
2.160.060	Quarterly reports--County lobbyists.
2.160.070	Quarterly reports -- County lobbying firms.
2.160.080	Quarterly reports--County lobbyist employers and others.
2.160.090	Quarterly campaign contribution reports.
2.160.095	Funding for reports and studies.
2.160.100	Public records.
2.160.110	Record keeping.
2.160.120	Gift prohibition.
2.160.130	General prohibitions.
2.160.140	Filing fees.
2.160.150	Enforcement.

#### Section 2.160.100 Public records.

Each calendar quarter, the executive officer of the board of supervisors shall compile a list of all county lobbyists, county lobbying firms and county lobbyist employers. Such a list and each registration or report required to be filed pursuant to this chapter shall be a public record subject to disclosure under the provisions of the California Public Records Act. The executive officer shall provide the list of county lobbyists and county lobbying firms to the registrar-recorder electronically for compliance with chapter 2.190 of this code. (Ord. 93-0031 § 2 (part), 1993.)

#### Section 2.160.130 General prohibitions.

No county lobbyist or county lobbying firm shall do any of the following:

- A. Do anything with the purpose of placing any county official under personal obligation to the county lobbyist, the county lobbying firm, or the employer of the county lobbyist or county lobbying firm;
- B. Deceive or attempt to deceive any county official with regard to any material fact pertinent to any pending or proposed official action;
- C. Cause or influence the introduction of any matter for consideration by the county as official action for the purpose of thereafter being employed to influence the occurrence or non-occurrence of such official action;

## Attachment I

D. Attempt to create a fictitious appearance of public favor or disfavor of any proposed official action or to cause any communication to be sent to any county official in the name of any fictitious person or in the name of any real person without the consent of such person;

E. Represent, either directly or indirectly, that the county lobbyist or county lobbying firm can control the official action of any county official;

F. Accept or agree to accept any payment in any way contingent upon success by the county lobbyist or county lobbying firm in influencing official action. (Ord. 93-0031 § 2 (part), 1993.)

G. No person or firm who is registered under this chapter as a county lobbyist or county lobbying firm or who has been so registered at any time in the previous 12 months shall make any contribution to any county official or candidate for county office consistent with chapter 2.190 of this code.

Chapter 1.25

ADMINISTRATIVE FINES AND NON COMPLIANCE FEES FOR CODE VIOLATIONS

Section 1.25.040 Administrative fines.

A. Each violation of any provision of this code and each separate offense designated by this code shall be subject to an administrative fine, as provided for in this chapter.

B. The amount of the administrative fine shall be determined by the enforcement officer, based on the nature and extent of the violation and the particular circumstances of the responsible person(s), subject to the following limitations:

1. If this code designates the violation as an infraction, the amount of the administrative fine shall not exceed the maximum amount provided for in section 25132 of the California Government Code, for fines applicable to infractions; and,

2. For all other violations of this code, except for violations of chapter 2.190, the amount of the administrative fine shall not exceed \$1,000. (Ord. 2005-0013 § 1 (part), 2005.)

**PROPOSAL TWO (AUTOMATIC ADMINISTRATIVE  
FINE/NO CURE PERIOD)**

1) Notice of Violation, Administrative Fine and Mandatory Compliance -  
Contribution Limit Violations

- A. Within five business days of identifying a contribution limit violation, including a contribution from a lobbyist or lobbyist firm, the Registrar-Recorder would issue a notification of administrative enforcement to the alleged violator. The notification, in accordance with Chapter 1.25, would indicate the specific nature of the violation, the immediate issuance of an administrative fine, and the appeal process. (See Section 2 below.) The notification would also require the candidate/officeholder to correct the violation, and file an amendment reflecting the correction.
- B. If a response to the notice of administrative enforcement/fine is not received within 10 business days of mailing of the notification, the Registrar-Recorder would contact the individual via telephone indicating the specific nature of the violation with instructions regarding correction of the violation.
- C. If the violation is not corrected within twenty (20) business days from date of mailing of the notification, a final written notification would be sent by certified mail to the individual.
- D. If an amendment has not been received within forty-five (45) days of mailing of the notification, a referral would be made to either the District Attorney's Office or the State Attorney General's Office indicating that the violations have not been corrected.

2) Administrative Fines and an Administrative Hearing Process

- A. Currently, Proposition B requires the imposition of civil penalties through a civil court proceeding. The addition of an administrative fine and hearing process, separate from civil prosecution, will give the County the ability to issue fines with greater autonomy.

Government Code § 53069.4 allows counties to make any violation of a county ordinance subject to an administrative fine or penalty. In 2005, Chapter 1.25 of the Los Angeles County Code was enacted allowing the issuance of administrative fines for violations of the County Code. This Chapter delineates the procedure for imposition of an administrative fine, set at a maximum of \$1,000 per violation for misdemeanors, by an enforcement officer.

## Attachment II

Pursuant to that authority, upon identification of a violation of the contribution limits, the Registrar-Recorder would issue a notice of administrative fine, which will notify the alleged violator of County's intent to issue a proposed administrative fine and set a hearing date. The purpose of the hearing would be to allow the individual the opportunity to challenge the fine and also to allow the hearing officer the opportunity to take evidence as to whether the fine should be issued and, if so, whether the Registrar-Recorder's proposed fine is appropriate. Should the individual choose not to challenge the fine, the Registrar-Recorder may, at her discretion, determine the amount of the fine without a hearing and without a recommendation from a hearing officer.

Since the current civil fine for a violation of Proposition B is three times the amount received in excess of the limits or \$5,000, whichever is greater, Chapter 1.25 would be amended to allow for the imposition of an administrative fine pursuant to Proposition B up to three times the amount of excess contributions or \$5,000, which ever is greater, per violation.

- B. The Registrar-Recorder would be designated the enforcement officer responsible for final imposition of the administrative fine and, would do so based on the final review and recommendation from the hearing officer, unless the fine is not challenged and the Registrar-Recorder determines that a hearing is not necessary. The District Attorney would remain the enforcement officer responsible for prosecution of civil penalties and criminal charges.
- C. The administrative hearings would be conducted by a County hearing officer pursuant to Government Code § 27720 et seq. The County hearing officer shall have all of the powers delineated in GC § 27721, including but not limited to the power to request the appearances of witnesses and the power to issue administrative subpoenas for relevant documents supporting violations. These documents may also be provided to the District Attorney.

### 3) Notice to the District Attorney

The Registrar-Recorder would provide initial notification of violations to the District Attorney. In addition, the Registrar-Recorder would provide notification of the final resolution of each matter by the Registrar-Recorder.

4) Strict Liability Violations

The violation provisions of Proposition B would be changed from intentional to strict liability violations for purposes of the civil penalties and administrative fines. The removal of the intent element will make the issuance of administrative and civil penalties easier to impose because it will not longer be necessary to produce factual evidence that the violator had knowledge of the occurrence.

5) Retention of Required Records

Similar to State law, Proposition B would be amended to incorporate language that requires the candidate to retain records that support the reports filed by law with the Registrar-Recorder. Proposition B would also be amended to also require the candidate to provide such documentation upon the written request of the Registrar-Recorder. These provisions will mandate the retention of records in support of mandatory filings, which will assist the County in obtaining compliance with Proposition B and the necessary evidence of violations.

6) Violations of Lobbyists

Currently, under Proposition B, it is a violation for a candidate to accept contributions from a lobbyist or lobbyist firm, but it is not equally a violation for the lobbyist or firm to make a contribution. Proposition B would be amended to also make the lobbyist or lobbyist firm liable for making a contribution. In addition, the lobbyist ordinance would be amended to show the reciprocal violation and reference to Proposition B.

## Chapter 2.190

## POLITICAL CAMPAIGNS FOR COUNTY OFFICES(44)

## Sections:

2.190.010	Findings.
2.190.020	Purpose and declaration of intent.
2.190.030	Definitions.
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2.190.040	Contribution limits.
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2.190.060	Contribution of candidate's personal funds.
2.190.070	Interrelationship of contribution and expenditure limits.
2.190.080	Bundling of contributions and contributions from committees.
2.190.090	Fundraising time limits.
2.190.100	Officeholder accounts.
2.190.110	Attorney's fees fund.
2.190.120	Distribution of excess funds.
2.190.130	Lobbyist contributions.
2.190.140	Violations and enforcement.
2.190.150	Amendment.
2.190.160	Severability.

## Section 2.190.035 Maintenance of accounts and records

It shall be the duty of each candidate to maintain such detailed accounts, records, bills and receipts that are necessary to prepare campaign statements and to comply with the provisions of this chapter. The detailed accounts, records, bills and receipts that are maintained shall be retained by the filer for a period of four (4) years. Each candidate shall provide the detailed accounts, records, bills and receipts upon request by the registrar-recorder.

## Section 2.190.130 Lobbyist contributions.

No county official or candidate for county office shall knowingly solicit or accept any contribution to his or her campaign for county office or to his or her officeholder account or attorney's fees fund from any person or firm who is registered under Chapter 2.160 as a county lobbyist or county lobbying firm or who has been so registered at any time in the previous 12 months. (Ord. 96-0041 § 1 (part), 1996.)  
No person or firm who is registered under Chapter 2.160 as a county lobbyist or county lobbying firm or who has been so registered at any time in the previous 12 months shall make any contribution to any county official or candidate for county office.

## Section 2.190.140 Violations and enforcement.

A. Any person who knowingly violates any provision of this chapter, is guilty of a misdemeanor which may be punished by imprisonment in the county jail for not exceeding six months, or by a fine not exceeding \$1,000.00, or by both.

B. In addition to the penalty set forth in subsections A and C of this section, any person who violates any section of this chapter shall be subject to a civil penalty of up to three times the amount by which any applicable contribution limit has been exceeded or \$5,000.00, whichever is greater.

C. In addition to the penalty set forth in subsections A and B of this section, any person who violates any section of this chapter shall be subject to an administrative fine, issued pursuant to chapter 1.25 of this code, of up to three times the amount by which any applicable contribution limit has been exceeded or \$5,000.00, whichever is greater. Notwithstanding the provisions of chapter 1.25 of this code in imposing the administrative fine, the registrar-recorder shall issue a notification of violation setting forth the intent to issue a proposed administrative fine and set a hearing date. The purpose of the hearing would be to allow the candidate/officeholder the opportunity to challenge the fine and also to allow the hearing officer, if so requested by the registrar-recorder, to make recommendations as to the appropriateness of the proposed fine and its amount through the process which may include taking evidence and testimony, and calling witnesses. Should the candidate/officeholder choose not to challenge the fine, the registrar-recorder may, at her discretion, determine the amount of the fine without a hearing and without a recommendation from a hearing officer.

~~E.~~ D. This chapter shall be administered by the registrar-recorder who shall recommend rules governing this chapter. Such rules shall be effective if approved by a majority vote of the board of supervisors.

~~D.E.~~ The registrar-recorder ~~and the district attorney~~ shall receive and investigate complaints that a person has violated a provision of this chapter. When the registrar-recorder has evidence of a violation of this chapter, he or she ~~may refer the matter~~ shall give initial notice of the violation to the district attorney. ~~, who shall have authority to seek the imposition of any penalty allowed by this section.~~ In addition, the registrar-recorder shall provide notification of the final resolution of each violation to the district attorney. The registrar-recorder shall be designated the enforcement officer responsible for final determination and imposition of administrative fines to be issued and for appearances before the administrative hearing officer as provided for in §§ 1.25.050 and 1.25.060 of this code, in addition to the provision of this chapter.

~~E.F.~~ The district attorney shall be the enforcement officer responsible for prosecution of the civil penalties and criminal charges. In addition, any person residing in the county may bring a civil action to enjoin violations of this chapter or to compel compliance with any provision of this chapter by following the procedures set forth in Government Code Sections 91003 et. seq., except that the civil prosecutor shall be the district attorney.

F.G. Within 60 days after the enactment of this chapter the registrar-recorder and the district attorney shall each designate persons within their respective offices who will be responsible for the enforcement and administration of the duties assigned to them under this chapter. Nothing in this chapter shall preclude the county from contracting with a state agency to administer and/or enforce any provision of this chapter, including conducting administrative hearings pursuant to government code § 27727. (Ord. 96-0041 § 1 (part), 1996.)

Chapter 2.160

COUNTY LOBBYISTS

Sections:

2.160.010	Definitions.
2.160.020	County lobbyist registration.
2.160.030	County lobbying firm registration.
2.160.040	County lobbyist employer registration.
2.160.050	Registration amendments and termination.
2.160.060	Quarterly reports--County lobbyists.
2.160.070	Quarterly reports -- County lobbying firms.
2.160.080	Quarterly reports--County lobbyist employers and others.
2.160.090	Quarterly campaign contribution reports.
2.160.095	Funding for reports and studies.
2.160.100	Public records.
2.160.110	Recordkeeping.
2.160.120	Gift prohibition.
2.160.130	General prohibitions.
2.160.140	Filing fees.
2.160.150	Enforcement.

Section 2.160.100 Public records.

Each calendar quarter, the executive officer of the board of supervisors shall compile a list of all county lobbyists, county lobbying firms and county lobbyist employers. Such a list and each registration or report required to be filed pursuant to this chapter shall be a public record subject to disclosure under the provisions of the California Public Records Act. The executive officer shall provide the list of county lobbyists and county lobbying firms to the registrar-recorder electronically for compliance with chapter 2.190 of this code. (Ord. 93-0031 § 2 (part), 1993.)

Section 2.160.130 General prohibitions.

No county lobbyist or county lobbying firm shall do any of the following:

A. Do anything with the purpose of placing any county official under personal obligation to the county lobbyist, the county lobbying firm, or the employer of the county lobbyist or county lobbying firm;

B. Deceive or attempt to deceive any county official with regard to any material fact pertinent to any pending or proposed official action;

C. Cause or influence the introduction of any matter for consideration by the county as official action for the purpose of thereafter being employed to influence the occurrence or non-occurrence of such official action;

## Attachment II

D. Attempt to create a fictitious appearance of public favor or disfavor of any proposed official action or to cause any communication to be sent to any county official in the name of any fictitious person or in the name of any real person without the consent of such person;

E. Represent, either directly or indirectly, that the county lobbyist or county lobbying firm can control the official action of any county official;

F. Accept or agree to accept any payment in any way contingent upon success by the county lobbyist or county lobbying firm in influencing official action. (Ord. 93-0031 § 2 (part), 1993.)

G. No person or firm who is registered under this chapter as a county lobbyist or county lobbying firm or who has been so registered at any time in the previous 12 months shall make any contribution to any county official or candidate for county office consistent with chapter 2.190 of this code.

Chapter 1.25

ADMINISTRATIVE FINES AND NON COMPLIANCE FEES FOR CODE VIOLATIONS

Section 1.25.040 Administrative fines.

A. Each violation of any provision of this code and each separate offense designated by this code shall be subject to an administrative fine, as provided for in this chapter.

B. The amount of the administrative fine shall be determined by the enforcement officer, based on the nature and extent of the violation and the particular circumstances of the responsible person(s), subject to the following limitations:

1. If this code designates the violation as an infraction, the amount of the administrative fine shall not exceed the maximum amount provided for in section 25132 of the California Government Code, for fines applicable to infractions; and,

2. For all other violations of this code, except for violations of chapter 2.190, the amount of the administrative fine shall not exceed \$1,000. (Ord. 2005-0013 § 1 (part), 2005.)